

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jonathan Hutchinson	Team: Team # 1	CCRB Case #: 200915638	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Tuesday, 10/06/2009 12:02 PM	Location of Incident: § 87(2)(b)	Precinct: 47	18 Mo. SOL 4/6/2011	EO SOL 4/6/2011	
Date/Time CV Reported Tue, 10/06/2009 3:50 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/06/2009 3:50 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POM Daniel Beddows	30576	926556	047 PCT
3. POM Robert Roda	01234	939332	047 PCT
4. SGT Thomas Iaquinto	02253	926976	047 PCT
5. POM Thomas Diggs	20336	936494	047 PCT
6. POM Juan Rodriguez	16076	939343	047 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Maribel Fuertes	25003	934888	047 PCT
2. POM Karam Jubran	23873	930446	047 PCT
3. POM Victor Cruz	02268	915532	047 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Beddows	Discourtesy: PO Daniel Beddows spoke obscenely and/or rudely to § 87(2)(b)	§ 87(2)(b)
B.SGT Thomas Iaquinto	Discourtesy: Sgt. Thomas Iaquinto spoke obscenely and/or rudely to § 87(2)(b)	§ 87(2)(b)
C.POM Daniel Beddows	Force: PO Daniel Beddows used a chokehold against § 87(2)(b)	§ 87(2)(b)
D.SGT Thomas Iaquinto	Force: Sgt. Thomas Iaquinto struck § 87(2)(b) with a radio.	§ 87(2)(b)
E.SGT Thomas Iaquinto	Force: Sgt. Thomas Iaquinto used physical force against § 87(2)(b)	§ 87(2)(b)
F.POM Daniel Beddows	Force: PO Daniel Beddows used physical force against § 87(2)(b)	§ 87(2)(b)
G.POM Thomas Diggs	Force: PO Thomas Diggs used physical force against § 87(2)(b)	§ 87(2)(b)

Officer(s)	Allegation	Investigator Recommendation
H.POM Juan Rodriguez	Force: PO Juan Rodriguez used physical force against § 87(2)(b)	
I.POM Robert Roda	Force: PO Robert Roda used physical force against § 87(2)(b)	
J. Officers	Force: Officers used physical force against § 87(2)(b)	

### Case Summary

On October 6, 2009, § 87(2)(b) a resident of § 87(2)(b) in the Bronx, called the CCRB to file the following complaint on behalf of herself and her son, § 87(2)(b) of the same address. On October 6, 2009, a duplicate complaint was filed with the NYPD Internal Affairs Bureau by Sgt. Thomas Iaquinto of the 47<sup>th</sup> Precinct. The case was assigned log number 09-49784 and was referred to the CCRB on October 7, 2009.

On October 6, 2009, at approximately 12:26 pm, officers arrested § 87(2)(b) his sister, § 87(2)(b) and § 87(2)(b) boyfriend, § 87(2)(b) resulting in the following allegations.

- **Allegation A – Discourtesy:** Sgt. Thomas Iaquinto spoke obscenely and/or rudely to § 87(2)(b)
- **Allegation B – Discourtesy:** PO Daniel Beddows spoke obscenely and/or rudely to § 87(2)(b)
- **Allegation E – Force:** Sgt. Thomas Iaquinto used physical force against § 87(2)(b)
- **Allegation F – Force:** PO Daniel Beddows used physical force against § 87(2)(b)
- **Allegation G – Force:** PO Thomas Diggs used physical force against § 87(2)(b)
- **Allegation H – Force:** PO Juan Rodriguez used physical force against § 87(2)(b)
- **Allegation I – Force:** PO Robert Roda used physical force against § 87(2)(b)

§ 87(2)(g)

- **Allegation C – Force:** PO Daniel Beddows used a chokehold against § 87(2)(b)
- **Allegation D – Force:** Sgt. Thomas Iaquinto struck § 87(2)(b) with a radio.

§ 87(2)(g)

- **Allegation J– Force:** Officers used physical force against § 87(2)(b)

§ 87(2)(g)

### Results of Investigation

#### Civilian Statement(s)

##### **Complainant/Victim:** § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-year-old African-American female, standing five feet, four inches tall, weighing one-hundred-sixty-seven pounds, with black hair and brown eyes. At the time of the interview, § 87(2)(b) resided at § 87(2)(b) in the Bronx.

##### **CCRB Testimony:**

§ 87(2)(b) was interviewed at the CCRB on October 14, 2009 (encl. 10a-10f). § 87(2)(b) CCRB statement was consistent with her initial intake narrative (encl. 9a-9d). On

October 6, 2009, at approximately 12:00 pm, § 87(2)(b) was sitting in her living room when her daughter, § 87(2)(b) went outside to meet with her boyfriend, § 87(2)(b) who was sitting in his parked vehicle on § 87(2)(b) in front of § 87(2)(b) residence. While § 87(2)(b) and § 87(2)(b) were sitting in § 87(2)(b)'s vehicle, § 87(2)(b) observed an unmarked police vehicle pull up behind § 87(2)(b)'s vehicle and park.

Three male officers in plainclothes, identified by the investigation as PO Daniel Beddows, Sgt. Thomas Iaquinto, and PO Robert Roda of the 47<sup>th</sup> Precinct<sup>1</sup>, exited the unmarked vehicle and approached § 87(2)(b)'s vehicle. PO Roda approached § 87(2)(b)'s window, one of the officers approached the front passenger-side window, and one remained at the rear of § 87(2)(b)'s vehicle. § 87(2)(b) observed § 87(2)(b) exit his vehicle with his hands raised and she saw PO Roda search his clothing. Later in the interview, § 87(2)(b) stated that she did not observe any officer search § 87(2)(b). § 87(2)(b) later informed § 87(2)(b) that § 87(2)(b) had confessed to the officers that he was in possession of two bags of marijuana while he was sitting inside his vehicle.

When she saw § 87(2)(b) exit his vehicle, § 87(2)(b) exited her residence and approached the officers by walking down her driveway toward § 87(2)(b). When § 87(2)(b) asked the officers for information regarding her daughter, PO Beddows instructed her to move away from the officers and asked her to stand behind her gate, located next to her driveway. PO Beddows informed § 87(2)(b) that, since the officers were conducting an investigation, they “owned” her driveway.

While § 87(2)(b) and PO Beddows were conversing, § 87(2)(b) son, § 87(2)(b) exited the residence and approached his mother, who was standing near the front gate, in front of the steps leading to the front door of the residence. When he heard PO Beddows' comment about “owning” § 87(2)(b) driveway, § 87(2)(b) said, “Why are you talking to my mother like that?” Sgt. Iaquinto approached the driveway, where PO Beddows was standing, while PO Roda remained near § 87(2)(b)'s vehicle. At some point during the interaction, § 87(2)(b) was handcuffed and placed in the rear of the police vehicle.

When Sgt. Iaquinto approached the driveway, he joined in the verbal altercation that had ensued between § 87(2)(b) and PO Beddows. Both officers called § 87(2)(b) derogatory names, such as “pussy”, and § 87(2)(b) responded with his own derogatory comments directed at both officers. § 87(2)(b) grabbed § 87(2)(b) by the arm and physically pulled him away from where the officers were standing, toward the front steps to her residence. As § 87(2)(b) dragged him away from the officers, § 87(2)(b) continued to verbally abuse the officers, though § 87(2)(b) was unable to recall the content of his remarks. The officers responded with similar language, though § 87(2)(b) was unable to recall any specific words or phrases the officers used.

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<sup>1</sup> § 87(2)(b) described PO Beddows as a Caucasian male officer in his thirties, standing approximately five feet, six inches tall, weighing approximately one-hundred-seventy-five pounds, with short brown hair and an average build. She described Sgt. Iaquinto as a Caucasian male officer in his forties, standing approximately six feet, three inches tall, weighing over two hundred pounds, with a shaved head and an average build. § 87(2)(b) stated that Sgt. Iaquinto was wearing a New York Giants hooded sweatshirt. § 87(2)(b) was unable to provide a physical description of PO Roda, other than noting that he was a Caucasian male officer in plainclothes.

§ 87(2)(b) succeeded in dragging § 87(2)(b) up the front steps to her residence, at which point she turned around so that she could open the front door. § 87(2)(b) stated that the top step to her residence is elevated approximately four to five feet above the ground and stated that the steps contain a railing on the right side, facing the residence. § 87(2)(b) stated that, at the time of the incident, her door was broken and she had some difficulty in opening it.

While she was attempting to open the door, § 87(2)(b) observed, in her periphery, PO Beddows and Sgt. Iaquinto lunge at § 87(2)(b). § 87(2)(b) turned around to see PO Beddows and Sgt. Iaquinto attempting to pull § 87(2)(b) down the steps. She also observed at least three additional marked police vehicles and one additional unmarked police vehicle parked in front of her residence and observed approximately six or seven uniformed male police officers and approximately four additional male officers in plainclothes running toward § 87(2)(b) from the street. § 87(2)(b) was unable to describe any of the officers who responded to her residence, other than noting that one of the uniformed officers was an African-American male and that one of the uniformed officers was a Hispanic male. § 87(2)(b) was also unable to describe the second unmarked police vehicle that responded to her residence.

When § 87(2)(b) turned to face the officers, she saw that PO Beddows and Sgt. Iaquinto were attempting to pull § 87(2)(b) down the steps, while § 87(2)(b) held onto the railing with one of his hands, preventing the officers from pulling him down. § 87(2)(b) stated that one of the officers was pulling on one of § 87(2)(b) arms while the other had his arm around § 87(2)(b) abdomen. § 87(2)(b) was unable to specify which officer was pulling on each of § 87(2)(b) body parts. As § 87(2)(b) screamed for the officers to stop, PO Beddows and Sgt. Iaquinto succeeded in removing § 87(2)(b) from the steps, with assistance from the four plainclothes officers who had responded to the residence.

Although § 87(2)(b) was unable to see § 87(2)(b) when he was removed from the steps, she saw that officers were unsuccessfully attempting to push and pull § 87(2)(b) down to the ground. § 87(2)(b) was later informed by § 87(2)(b) that an officer struck § 87(2)(b) in the forehead, above his left eye, with a police-issued radio, causing him to fall to the ground and sustain a laceration and swelling to the vicinity of his left eyebrow. § 87(2)(b) observed all of the officers who were interacting with § 87(2)(b) kick and punch him while he was on the ground.

After § 87(2)(b) was lying on the ground for a short period of time, officers lifted him to his feet and § 87(2)(b) saw that he had been placed in handcuffs. The four plainclothes officers who had assisted Sgt. Iaquinto and PO Beddows in subduing § 87(2)(b) led § 87(2)(b) to their unmarked police vehicle and placed him in the back seat. After § 87(2)(b) was arrested, § 87(2)(b) saw that § 87(2)(b) had also been placed in handcuffs. Officers later informed § 87(2)(b) that § 87(2)(b) had attempted to intervene in the arrest of § 87(2)(b) and that she had attempted to remove an officer's firearm from its holster. § 87(2)(b) did not witness § 87(2)(b) commit any of the violations for which she was charged.

**Victim:** § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-year-old African-American male, standing six feet, two inches tall, weighing two-hundred-fifty pounds, with black hair and brown eyes. At the time of the interview, § 87(2)(b) resided at § 87(2)(b) in the Bronx.

**CCRB Testimony:**

§ 87(2)(b) was interviewed at the CCRB on October 14, 2009 (encl. 11a-11i). § 87(2)(g)

When § 87(2)(b) exited the residence through his front door, he saw two male police officers in plainclothes, identified by the investigation as PO Beddows and Sgt. Iaquinto<sup>2</sup>, speaking to his mother. He observed another officer, PO Roda, who he could only describe as a short Caucasian male officer in plainclothes, standing near § 87(2)(b)'s vehicle, which was parked on § 87(2)(b). An unmarked police vehicle, which § 87(2)(b) described as a two-toned, cream-colored, older-model, four-door Chevy Impala, was parked behind § 87(2)(b)'s vehicle. The officers were speaking to his mother in a rude and disrespectful manner. He recalled that Sgt. Iaquinto said to his mother, "You need to get the fuck back in the house," while he was standing outside.

§ 87(2)(b) asked the officers, "Why are you screaming at my mother?" and both officers turned their attention toward him. § 87(2)(b) stated that both PO Beddows and Sgt. Iaquinto cursed at him and recalled that the officers said, "Fuck you," and, "What are you going to do?" § 87(2)(b) could not recall which words or phrases each officer used. § 87(2)(b) replied that he was not doing anything and challenged the officers to stop "hiding behind their badges" and fight him. The verbal exchange between § 87(2)(b) and the officers lasted for approximately five to ten minutes.

§ 87(2)(b) told § 87(2)(b) to "Get in the house," and pulled him toward the steps leading up to the front door to her residence. As § 87(2)(b) was pulling § 87(2)(b) up the front steps, PO Beddows ran up to him, grabbed him by the arm, and said, "What the fuck you gonna do now?" § 87(2)(b) informed PO Beddows that he was going inside his residence and PO Beddows attempted to pull him backwards down the steps by his arm. § 87(2)(b) stated that the top step to his residence is approximately five feet above the ground, so he grabbed onto the railing so that he would not fall backwards.

Sgt. Iaquinto approached, wrapped his arm around § 87(2)(b) abdomen, and attempted to pull him backwards. PO Beddows grabbed one of § 87(2)(b) arms and then grabbed him around his throat with his hand so that § 87(2)(b) briefly found his breathing to be obstructed. As soon as PO Beddows grabbed § 87(2)(b) throat, at least three additional uniformed officers, whom § 87(2)(b) was unable to describe, "swarmed" into the vicinity of the front steps. The uniformed officers assisted PO Beddows and Sgt. Iaquinto in successfully removing § 87(2)(b) from the steps by pulling on various parts of his body, though § 87(2)(b) continued to maintain his grip on the railing.

The officers pulled § 87(2)(b) onto the side of the front steps so that they were standing in between where § 87(2)(b) vehicle was parked in her driveway and the railing on the steps. Approximately three additional uniformed officers, whom § 87(2)(b) was unable to describe, joined the existing officers in attempting to pull § 87(2)(b) away from the railing and onto the ground. An officer managed to affix one handcuff to § 87(2)(b) right wrist but the officers were initially unsuccessful in their attempts to place § 87(2)(b) on the ground.

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<sup>2</sup> § 87(2)(b) described PO Beddows as a Caucasian male officer in his early-thirties, standing approximately five feet, five inches tall, with an athletic build. He described Sgt. Iaquinto as a Caucasian male officer in his mid-thirties, standing approximately five feet, eleven inches tall, with a muscular build and a shaved head. § 87(2)(b) stated that Sgt. Iaquinto was wearing a New York Giants hooded sweatshirt.

An unidentified officer, who § 87(2)(b) was unable to describe, struck him in the face with a police-issued radio, causing him to lose consciousness and fall to the ground. § 87(2)(b) sustained a laceration and swelling to the vicinity of his left eyebrow as a result of being struck with the radio. § 87(2)(b) stated that he was not aware that he had been struck with a radio but that § 87(2)(b) later informed him that she had been standing on the other side of § 87(2)(b) vehicle and that she had observed an officer strike him with his radio. § 87(2)(b) also informed § 87(2)(b) that she had jumped on an officer after § 87(2)(b) was struck with the radio, causing the officer to fall on top of § 87(2)(b) who had fallen to the ground on his stomach.

As he regained consciousness, § 87(2)(b) felt officers punching and kicking him in the head and abdomen. § 87(2)(b) was lying on his stomach so he was not able to observe which officers were striking him. At one point while he was lying on the ground, § 87(2)(b) heard Sgt. Iaquinto say, “Who’s the pussy now?” and immediately felt an officer punch him in the spine. § 87(2)(b) stated that he was able to observe the arm of the officer who punched him in the spine and described it as resembling the New York Giants sweatshirt which Sgt. Iaquinto was wearing. § 87(2)(b) stated that he was certain that Sgt. Iaquinto punched him in the spine. § 87(2)(b) screamed, “I give up!” but officers continued to strike him for approximately two additional minutes. An officer pulled § 87(2)(b) right arm sharply backward by the one affixed handcuff, causing § 87(2)(b) to experience a great deal of pain. § 87(2)(b) heard his mother screaming and he yelled, “You’re going to kill me in front of my mom.”

The officers lifted § 87(2)(b) to his feet, led him to a marked patrol car parked in front of the residence, and placed him in the back seat. Two uniformed male officers whom § 87(2)(b) did not recognize got into the front seat of the patrol car. The officers transported § 87(2)(b) to the 47<sup>th</sup> Precinct stationhouse, where he saw that § 87(2)(b) had also been arrested. § 87(2)(b) and § 87(2)(b) were placed in a holding cell and officers informed § 87(2)(b) that § 87(2)(b) would receive medical treatment. § 87(2)(b) was transported to the 49<sup>th</sup> Precinct stationhouse and, after approximately thirty minutes, he was transported by ambulance to § 87(2)(b) in the Bronx.

§ 87(2)(b) stated that a female civilian who only identified herself as “§ 87(2)(b)” had identified herself as a witness to the incident and had provided her telephone number to § 87(2)(b). § 87(2)(b) stated that no members of his family had ever interacted with “§ 87(2)(b)” in any way prior to the incident. One of § 87(2)(b) friends, § 87(2)(b) also stated that he was on his way to § 87(2)(b) residence when he saw § 87(2)(b) being arrested.

#### **Notice of Claim Statement:**

In the Notice of Claim he filed against the City of New York, § 87(2)(b) § 87(2)(g) he did not repeat the allegation that PO Beddows used a chokehold against him or the allegation that officers directly profanity at him (encl. 12a-12e).

#### **Statements to Medical Providers:**

The ambulance call report prepared in connection with the transportation of § 87(2)(b) from the 47<sup>th</sup> Precinct stationhouse to § 87(2)(b) noted that § 87(2)(b) stated, “I got in a fight with police,” resulting in injuries (encl. 27a-27e).

**Witness:** § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-year-old African-American female, standing five feet, seven inches tall, with black hair and brown eyes. At the time of the interview, § 87(2)(b) resided at § 87(2)(b) in the Bronx.

**CCRB Testimony:**

§ 87(2)(b) was interviewed at the CCRB on December 1, 2009 (encl. 15a-15e). § 87(2)(g)

§ 87(2)(b) While § 87(2)(b) and § 87(2)(b) were sitting in § 87(2)(b)'s vehicle, an unmarked police vehicle, which § 87(2)(b) described as a navy blue or black Chevy Impala, pulled up behind § 87(2)(b)'s vehicle and two male officers in plainclothes, identified by the investigation as Sgt. Iaquinto and PO Beddows<sup>3</sup>, approached the front windows. § 87(2)(b) stated that she was counting money at the time.

Sgt. Iaquinto approached the driver's window and instructed § 87(2)(b) to exit his vehicle, to which he complied. PO Beddows walked next to the passenger side of the vehicle but did not say anything. Sgt. Iaquinto searched § 87(2)(b)'s clothing and inside his pockets and recovered a small bag of marijuana.

When § 87(2)(b) vocally protested to the manner in which Sgt. Iaquinto was addressing his mother, Sgt. Iaquinto walked toward him and threatened to arrest him if he did not go back inside the house. Both Sgt. Iaquinto and § 87(2)(b) called each other "pussy." Sgt. Iaquinto said, "Get the fuck back in the house and bring your mother inside." After a short period of time arguing, § 87(2)(b) walked toward his house and said, "That's right, I'm going inside my house and you still aren't doing anything." Sgt. Iaquinto approached § 87(2)(b) who was climbing the stairs to the front door, while saying, "Now you want to be funny? Now you're going to jail," before grabbing one of his arms. Another officer, identified by the investigation as PO Thomas Diggs<sup>4</sup>, approached § 87(2)(b) and wrapped his arms around his body and neck in an attempt to pull him off of the stairs. PO Diggs attempted to pull § 87(2)(b) over the railing of the stairway but was unsuccessful.

When § 87(2)(b) continued to maintain his position, approximately four or five additional officers, identified by the investigation as PO Beddows, PO Roda, PO5, PO6, and PO7<sup>5</sup>

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<sup>3</sup> § 87(2)(b) described Sgt. Iaquinto, the driver of the unmarked police vehicle, as a Caucasian male officer in his early-thirties, standing approximately six feet, two inches tall, weighing approximately two-hundred-pounds, with a muscular build and a shaved head. Sgt. Iaquinto was wearing a New York Giants hooded sweatshirt and jeans. She described PO Beddows, the recorder in the unmarked police vehicle, as a Caucasian male officer, standing five feet, eight inches tall, with a "chunky" build and short brown hair.

<sup>4</sup> § 87(2)(b) described PO Diggs as an African-American male officer in his mid-thirties, standing six feet, two inches tall, weighing approximately two-hundred-fifty pounds, with a "husky" build and wearing his hair in braids or dreadlocks. PO Diggs was wearing a black long-sleeved t-shirt and blue jeans.

<sup>5</sup> § 87(2)(b) described PO Roda as a Hispanic male officer in his thirties, standing approximately five feet, nine inches tall, weighing approximately two-hundred-fifty pounds, with a "husky" build. PO Roda was wearing a black long-sleeved t-shirt and blue jeans. She described PO5 as a Hispanic male officer in his late-twenties, standing approximately five feet, ten inches tall, weighing approximately one-hundred-fifty pounds, with a slim build. PO5 was dressed in a dark blue NYPD uniform. § 87(2)(b) described PO6 as a Hispanic or Indian male officer in his late-twenties, standing approximately six feet tall, weighing approximately one-hundred-sixty pounds, with a slim build and colorful tattoos on his arms. She described



approached and grabbed § 87(2)(b) by various body parts, attempting to pull him away from the stairs. At the time, § 87(2)(b) observed approximately two unmarked police vehicles, including an unmarked Impala and an unmarked full-sized van, and three or four marked police vehicles, including a marked full-sized van, parked in the road in front of her residence, in addition to the unmarked Chevy Impala that initially stopped § 87(2)(b)'s vehicle. While the officers were attempting to pull § 87(2)(b) off of the front steps, two additional officers, PO8 and PO9<sup>6</sup>, were standing near the sidewalk in front of the residence, instructing bystanders, including § 87(2)(b) and several unidentified individuals, to stay away from the altercation.

When the six or seven officers were still unable to remove § 87(2)(b) from the steps, Sgt. Iaquinto struck him in the left eye with a large black walkie-talkie radio with a long antenna, causing § 87(2)(b) to release his grip on the railing of the stairway. § 87(2)(b) observed Sgt. Iaquinto pull the radio out from where it was holstered on one side of his equipment belt before striking § 87(2)(b) with it. When § 87(2)(b) released his grip, the officers successfully “threw” him off of the steps, causing § 87(2)(b) to fall face-first onto the concrete driveway. PO Beddows kicked § 87(2)(b) one or two times in the back, while Sgt. Iaquinto kicked § 87(2)(b) in the face once, before Sgt. Iaquinto placed his knee on the back of § 87(2)(b) neck to hold him down on the ground. All of the officers in the vicinity jumped on top of § 87(2)(b) and held him down on the ground. § 87(2)(b) saw that PO5, PO6, and PO7 held § 87(2)(b) down on the ground by his legs. § 87(2)(b) observed Sgt. Iaquinto, PO Beddows, PO Diggs, PO Roda, PO5, PO6, and PO7 punch § 87(2)(b) at least one time while he was on the ground. § 87(2)(b) heard Sgt. Iaquinto yelling at § 87(2)(b) “I’m going to break your finger.” § 87(2)(b) repeatedly yelled at the officers to “Get off.” Sgt. Iaquinto said, “Who’s the pussy now? Look at you.” § 87(2)(b) observed Sgt. Iaquinto bending § 87(2)(b) finger backward as he pulled his arm behind his back.

When § 87(2)(b) heard Sgt. Iaquinto say, “I’m going to break your finger,” she ran from where she was standing next to § 87(2)(b)'s vehicle and jumped on his back while wrapping her arms around his neck. PO Diggs moved away from § 87(2)(b), grabbed § 87(2)(b), pulled her away from Sgt. Iaquinto, and pulled her arms behind her back before placing her in handcuffs. PO Roda approached, grabbed § 87(2)(b) by the upper arms, and “slammed” her into her mother’s vehicle, which was parked in the driveway.

**Notice of Claim Statement:**

In the Notice of Claim she filed against the City of New York, § 87(2)(b) provided a statement § 87(2)(g) (encl. 16a-16e).

**Witness:** § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-year-old African-American male, standing six feet, two inches tall, weighing one-hundred-sixty-four pounds, with black hair and brown eyes. § 87(2)(b)

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PO7 as a Caucasian male officer in his forties, with grey hair. PO6 and PO7 were dressed in dark blue NYPD uniforms.

<sup>6</sup> § 87(2)(b) described PO8 as a Caucasian male officer who was over forty years old and had grey hair. She described PO9 as a Caucasian male officer who was over forty years old and had balding black hair. Both officers were dressed in dark blue NYPD uniforms.

**CCRB Testimony:**

§ 87(2)(b) was interviewed at the CCRB on December 1, 2009 (encl. 17a-17e). § 87(2)(g)  
§ 87(2)(b) was sitting in his vehicle with his girlfriend, § 87(2)(b) in front of § 87(2)(b) residence at § 87(2)(b) in the Bronx, when an unmarked police vehicle, an older-model two-toned brown Chrysler sedan, containing three male officers in plainclothes, identified by the investigation as Sgt. Iaquinto, PO Beddows, and PO Roda<sup>7</sup>, pulled alongside the driver's side of § 87(2)(b)'s vehicle. § 87(2)(b) stated that his foot was on the brake when the officers pulled up, so that they may have seen that his middle brake light was not working. Sgt. Iaquinto asked § 87(2)(b) if he had anything illegal in the vehicle and § 87(2)(b) stated that he was in possession of two small bags of marijuana.

Another unmarked police vehicle containing two plainclothes officer, identified by the investigation as PO Diggs and PO Juan Rodriguez<sup>8</sup>, approached and parked in front of the residence. § 87(2)(b) exited the residence and said to the officers, "Why are you yelling at my mom?" One of the officers, whom § 87(2)(b) was unable to identify, told § 87(2)(b) "Get your black ass inside."

**Witness:** § 87(2)(b)

*At the time of the interview, § 87(2)(b) resided at § 87(2)(b)*

**CCRB Testimony:**

On November 12, 2009, § 87(2)(b) called the CCRB and provided the following telephone statement (encl. 14a). § 87(2)(b) stated that he is a friend of § 87(2)(b) § 87(2)(g)  
§ 87(2)(b) observed the incident from the sidewalk in front of § 87(2)(b) residence. § 87(2)(b) observed § 87(2)(b) exchanging hostile words with an officer, identified by the investigation as PO Beddows. After a short period of time, § 87(2)(b) turned away from PO Beddows and began to walk back toward the front door to his residence. § 87(2)(b) heard PO Beddows say, "What, you're going to go get something?" before running after § 87(2)(b) and grabbing his arm as he began to ascend the steps of his front porch.

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<sup>7</sup> § 87(2)(b) described Sgt. Iaquinto, the driver of the unmarked police vehicle, as a Caucasian male officer, possibly of Irish descent, in his early-twenties, standing approximately five feet, nine inches tall, weighing approximately one-hundred-eighty to one-hundred-ninety pounds, with a muscular build. The officer was wearing a black t-shirt, jeans, and a blue Yankees cap. § 87(2)(b) described PO Beddows as a Caucasian male officer of Italian descent in his late-twenties, standing approximately six feet, two inches tall, weighing approximately two-hundred-ten pounds, with a muscular to husky build and black hair. The officer was wearing a blue shirt which was not an NYPD uniform shirt. § 87(2)(b) described PO Roda as a Hispanic male officer in his mid-twenties, standing approximately six feet, two inches tall, with a "chunky" build and a goatee. The officer was dressed in a long-sleeved black t-shirt and jeans.

<sup>8</sup> § 87(2)(b) described PO Diggs as an African-American male officer in his mid-thirties, standing approximately six feet, three inches tall, with an average build and acne. The officer's hair was arranged in braids and he was wearing a black jacket and blue jeans. § 87(2)(b) described PO Rodriguez as a Caucasian male officer, standing approximately five feet, nine inches tall and dressed in plainclothes.

Approximately two or three other officers approached § 87(2)(b) after PO Beddows grabbed him and attempted to pull him to the ground as § 87(2)(b) repeatedly yelled, “I’m not resisting.” An African-American male plainclothes officer with braids, identified by the investigation as PO Diggs, who was wearing a black hooded sweatshirt, grabbed § 87(2)(b) arms from behind and attempted to pull him backwards, off the steps. Another officer, identified by the investigation as Sgt. Thomas Iaquinto, whom § 87(2)(b) described as a Caucasian male officer, in plainclothes and wearing a navy blue hooded sweatshirt, struck § 87(2)(b) in the back several times with a closed fist as he was standing on the steps. Another unidentified Caucasian male officer was also attempting to pull § 87(2)(b) away from his front door. § 87(2)(b) stated that while the officers were attempting to pull § 87(2)(b) away from the residence, § 87(2)(b) approached the officers. One of the Caucasian officers, identified by the investigation as PO Roda, restrained § 87(2)(b) by holding her by the arms, while the other officers continued to pull § 87(2)(b) body backward down the steps. Once § 87(2)(b) saw officers striking § 87(2)(b) he briefly turned away, since he was having difficulty restraining himself.

When § 87(2)(b) turned back toward § 87(2)(b) after looking away for a moment, § 87(2)(b) was lying on the ground and officers were crouching around him. Officers handcuffed § 87(2)(b) and lifted him to his feet. When § 87(2)(b) stood up, § 87(2)(b) observed a large knot above one of his eyes. § 87(2)(b) stated that only one uniformed officer, a Hispanic male officer, was present at the location.

**Witness:** § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-year-old African-American female, standing five feet, five inches tall, weighing one-hundred-sixty-five pounds, with black hair and brown eyes. At the time of the interview, § 87(2)(b) resided at § 87(2)(b)

**CCRB Testimony:**

§ 87(2)(b) was interviewed at the CCRB on November 4, 2009 (encl. 13a-13f). § 87(2)(g) was unable to describe the specific location from which she witnessed the incident. § 87(2)(b) saw a marked patrol car parked in front of a residence, identified by the investigation as § 87(2)(b). The patrol car was parked in front of or behind a civilian vehicle, identified by the investigation as belonging to § 87(2)(b) and uniformed officers were interacting with the occupants, identified by the investigation as § 87(2)(b) and § 87(2)(b). § 87(2)(b) was standing next to the driver’s side of his vehicle and an officer, PO1<sup>9</sup>, was conversing with him. § 87(2)(b) was standing near the passenger-side of the vehicle and did not appear to be interacting with any officers. A second uniformed officer, PO2<sup>10</sup>, was standing in the vicinity of § 87(2)(b)’s vehicle.

At some point during the incident, PO2 called for additional units. While § 87(2)(b) was arguing with PO1, numerous officers in uniform and in plainclothes arrived at the location from different directions in two unmarked police vehicles and one marked sport-utility vehicle, which officers parked in the middle of the street. The first unmarked police vehicle to arrive at the location was a light-grey four-door sedan, possibly a Chevy Impala. The other unmarked vehicle

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<sup>9</sup> § 87(2)(b) described PO1 as a Hispanic male officer in his early-forties, standing approximately five feet, eight inches tall, weighing approximately one-hundred-ninety to two-hundred pounds, with an average build. PO1 was dressed in a dark blue NYPD uniform.

<sup>10</sup> § 87(2)(b) described PO2 as a male officer of unknown ethnicity, dressed in a dark blue NYPD uniform.

that arrived at the location was also a sedan of unknown make, model, year, and color. One of the officers from the first sedan, identified by the investigation as PO Beddows<sup>11</sup>, approached § 87(2)(b) and joined in the argument. Two other officers, identified by the investigation as PO Diggs and PO Rodriguez<sup>12</sup>, followed immediately behind PO Beddows.

When § 87(2)(b) turned to walk back toward the steps leading to the side door to his residence, PO Beddows ran toward § 87(2)(b) from behind and PO Diggs and PO Rodriguez immediately followed. PO Beddows wrapped his arms around § 87(2)(b) body from behind and attempted to pull him to the ground. PO Diggs and PO Rodriguez immediately grabbed § 87(2)(b) and assisted PO Beddows in taking him to the ground. § 87(2)(b) fell face-first onto his driveway and officers landed on top of him. An unidentified officer sprayed § 87(2)(b) with pepper spray. § 87(2)(b) screamed, "My eyes! They maced me!" § 87(2)(b) sister, § 87(2)(b) vocally protested the officers' treatment of her brother but did not enter the driveway beyond the front gate. § 87(2)(b)'s view of the remainder of the incident was obscured and she was unable to observe the interaction between § 87(2)(b) and the officers while § 87(2)(b) was on the ground.

#### **Fieldwork:**

On November 20, 2009, investigators canvassed the vicinity of § 87(2)(b) in the Bronx. Photographs were obtained of the incident location and were added to the case file (encl. 36a-36b). Please call letters were left at the adjacent properties but no additional witnesses were identified.

#### **NYPD Statement(s):**

##### **Subject Officer: PO DANIEL BEDDOWS**

*PO Beddows is a § 87(2)(b)-year-old Caucasian male officer, standing five feet, ten inches tall, weighing two-hundred pounds, with brown hair and blue eyes. He is a nine-year veteran of the NYPD. On October 6, 2009, PO Beddows worked from 9:30 am until 6:05 pm and was assigned to the 47<sup>th</sup> Precinct anti-crime team with PO Roda and Sgt. Iaquinto. The officers were dressed in plainclothes and were assigned to an unmarked Ford Crown Victoria, number § 87(2)(b) of which PO Roda was the driver. PO Beddows was wearing jeans, a hooded sweatshirt, and a hat on the date of the incident. Sgt. Iaquinto rode in the front passenger seat, while PO Beddows sat in the rear passenger-side seat.*

##### **Memo Book:**

PO Beddows' memo book noted that, at 12:21 pm, three individuals, including § 87(2)(b) and § 87(2)(b) were arrested in front of § 87(2)(b) in the Bronx (encl. 19a-19c).

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<sup>11</sup> § 87(2)(b) described PO Beddows as a Caucasian male officer, standing approximately six feet, one inch tall, weighing approximately two-hundred-fifteen pounds, with a muscular build and a buzz cut. PO Beddows was wearing a black t-shirt, black military-style pants, and a baseball cap.

<sup>12</sup> § 87(2)(b) described PO Diggs as a light-skinned African-American male officer in his mid-thirties, standing over six feet tall, weighing approximately two-hundred-twenty-five pounds, with a very muscular build and cornrows. PO Diggs was dressed in black clothing and was wearing a baseball cap. § 87(2)(b) described PO Rodriguez as a Hispanic male officer in his mid-thirties, standing over six feet tall, weighing approximately two-hundred-twenty-five pounds, with a stocky build and short black hair. PO Rodriguez was dressed in plainclothes.

### **Arrest Documentation:**

The arrest and complaint reports prepared by PO Beddows in connection with the arrest of § 87(2)(b) noted that § 87(2)(b) attempted to punch PO Beddows after threatening him verbally. PO Beddows noted that he used physical force against § 87(2)(b) to overcome the assault (encl. 19d-19h).

### **CCRB Testimony:**

PO Daniel Beddows of the 47<sup>th</sup> Precinct was interviewed at the CCRB on January 27, 2009 (encl. 19a-19k). At approximately 12:15 pm, PO Beddows, PO Roda, and Sgt. Iaquinto were patrolling the 47<sup>th</sup> Precinct on an anti-crime assignment when they stopped a vehicle, later identified as belonging to § 87(2)(b) which was parked in front of § 87(2)(b) in the Bronx. The vehicle contained a male, later identified as § 87(2)(b) sitting in the driver's seat, and a female, later identified as § 87(2)(b) sitting in the front passenger seat. PO Beddows smelled marijuana odor emanating from the vehicle.

PO Roda asked § 87(2)(b) to exit the vehicle and he complied. § 87(2)(b) informed the officers that he was in possession of two bags of marijuana and the officers placed him in handcuffs. As the officers began searching the vicinity of the driver's seat of § 87(2)(b)'s vehicle, while § 87(2)(b) was still sitting in the front passenger seat, an elderly female, later identified as § 87(2)(b) exited the front door of the residence at § 87(2)(b) and approached § 87(2)(b)'s vehicle. The officers had been present at the location for approximately three minutes before § 87(2)(b) exited her residence. § 87(2)(b) repeatedly yelled, "What's going on? My daughter's in the car," while PO Beddows repeatedly instructed her to stand back from the vehicle until the officers were finished with their investigation. § 87(2)(b) repeatedly refused to back up and persisted in demanding an explanation for the officers' presence. Sgt. Iaquinto eventually approached § 87(2)(b) and instructed her to comply with PO Beddows' commands.

While Sgt. Iaquinto and PO Beddows were arguing with § 87(2)(b) a large male, later identified as § 87(2)(b) exited the residence and immediately began yelling at the officers, "I'm going to fucking kill you pussies, you guys are assholes." § 87(2)(b) approached the officers so that he was standing approximately one foot away from them and repeatedly cursed at them and threatened to "kill" them. No officers used profanity toward § 87(2)(b) or § 87(2)(b) during the interaction.

When § 87(2)(b) turned back toward his front door and walked toward his residence, less than one minute after exiting the residence, PO Beddows said, "Come over here," and approached him from behind. PO Beddows stated that he stopped § 87(2)(b) because he thought he might go inside to retrieve a weapon. As § 87(2)(b) walked up the steps to his front door, PO Beddows attempted to grab his right arm with his right hand. PO Beddows was unable to maintain a grip on § 87(2)(b) arm and § 87(2)(b) attempted to punch PO Beddows with his left hand. The punch went over PO Beddows' head, since he was standing on a lower step. PO Beddows grabbed § 87(2)(b) around his upper arms and was quickly joined by Sgt. Iaquinto, who also attempted to restrain § 87(2)(b) arms and pull them behind his back so that he could be handcuffed.

While the three individuals were struggling on the front steps, against the railing on the side of the steps, § 87(2)(b) exited § 87(2)(b)'s vehicle, approached the officers, and

jumped on PO Beddows' back. PO Roda immediately approached the officers, grabbed § 87(2)(b) around her upper body in a "bear hug", and pulled her off of PO Beddows' back. As she was being pulled off PO Beddows, § 87(2)(b) grabbed the handle of his gun and attempted, unsuccessfully, to remove the weapon from its holster. PO Roda pulled § 87(2)(b) away from PO Beddows, while § 87(2)(b) kicked at PO Beddows' back, and immediately placed her in handcuffs.

After a short period of time struggling on the steps, during which time the officers were attempting to handcuff § 87(2)(b) while he was pushing away from them with his arms, the precarious footing of the location caused PO Beddows, Sgt. Iaquinto, and § 87(2)(b) to fall from the steps, onto the driveway at the base of the steps, approximately five feet below the top of the steps. Once the individuals landed on the ground, the officers were able to get up and pull § 87(2)(b) arms behind his back. PO Beddows and Sgt. Iaquinto quickly handcuffed § 87(2)(b) arms behind his back; no other officer assisted in handcuffing § 87(2)(b) nor did any other officer make physical contact with § 87(2)(b) prior to his arrest. No officer kicked, punched, or struck § 87(2)(b) with an object at any point during the interaction.

When PO Beddows and Sgt. Iaquinto pulled § 87(2)(b) to his feet, PO Beddows saw that his forehead was bleeding. PO Beddows stated that § 87(2)(b) may have struck his head on the ground when he fell off the steps but denied seeing his head strike the ground. PO Beddows stated that the officers did not hold § 87(2)(b) head down on the ground while they were placing him in handcuffs. § 87(2)(b) eventually received medical treatment.

At some point during the altercation, an officer had requested additional units over the radio and an unknown number of marked patrol cars containing an unknown number of unidentified uniformed officers from an unknown command arrived at the location while PO Beddows and Sgt. Iaquinto were attempting to handcuff § 87(2)(b) on the ground. PO Beddows stated that a marked police van may have responded to the location. Once § 87(2)(b) was handcuffed, he was immediately placed in a marked police vehicle and transported to the 47<sup>th</sup> Precinct stationhouse. § 87(2)(b) and § 87(2)(b) were placed in another police vehicle and were transported to the stationhouse by unidentified officers. An officer performed an inventory search on § 87(2)(b)'s vehicle before driving it to the 47<sup>th</sup> Precinct stationhouse.

#### **Subject Officer: SGT THOMAS IAQUINTO**

*Sgt. Iaquinto is a § 87(2)(b)-year-old Caucasian male officer, standing six feet tall, weighing two-hundred-fifteen pounds, with black hair and brown eyes. He is a nine-year-veteran of the NYPD. On October 6, 2009, Sgt. Iaquinto worked from 9:26 am to 6:10 pm as the 47<sup>th</sup> Precinct anti-crime sergeant. Sgt. Iaquinto was dressed in plainclothes and was assigned to unmarked police vehicle § 87(2)(b).*

#### **CCRB Testimony:**

Sgt. Thomas Iaquinto of the 47<sup>th</sup> Precinct was interviewed at the CCRB on July 1, 2010 (encl. 21a-21c). § 87(2)(g)

After § 87(2)(b) was placed in handcuffs, § 87(2)(b) resumed cursing at the officers and repeatedly told them that he was going to kill them. § 87(2)(b) used the phrase, "I'm going to fucking kill you." While § 87(2)(b) was threatening to kill the officers, he was holding the right side of the front of his waistband, as if he was holding onto an item inside his waistband. § 87(2)(b) was wearing black pants and a long white shirt which obstructed Sgt. Iaquinto's view of the waistband of his

pants. PO Beddows approached § 87(2)(b) and informed him that he was under arrest; § 87(2)(b) responded by quickly climbing three steps onto the landing of his front porch.

When he got to the landing of the porch, § 87(2)(b) spun around and threw a punch at PO Beddows, which did not connect with PO Beddows' body. Sgt. Iaquinto immediately approached the individuals and attempted to grab § 87(2)(b) arms so that he could be placed in handcuffs. PO Beddows and Sgt. Iaquinto attempted to pull § 87(2)(b) arms behind his back and § 87(2)(b) resisted the officers' efforts by pulling his arms away and flailing them about his head and body. § 87(2)(b) also repeatedly punched and elbowed the officers; Sgt. Iaquinto stated that § 87(2)(b) struck him in the chest and neck with his fists and elbows. During the physical altercation between the officers and § 87(2)(b) no officer struck § 87(2)(b) with a radio or any other object. Sgt. Iaquinto most likely struck § 87(2)(b) with his hands and fists in an attempt to gain his compliance but he was unable to recall his specific actions or where § 87(2)(b) received the impact. Sgt. Iaquinto did not recall any officer striking § 87(2)(b) in the face or head at any point during the incident. After a brief struggle, Sgt. Iaquinto, PO Beddows, and § 87(2)(b) fell off of the landing and onto the driveway below. § 87(2)(b) body, including his head and chest, struck the ground.

Sgt. Iaquinto and PO Beddows "wrestled" with § 87(2)(b) for approximately fifteen to forty seconds before successfully pulling his arms behind his back and placing him in handcuffs. No officers struck § 87(2)(b) while he was on the ground. Following the incident, Sgt. Iaquinto observed a knot on § 87(2)(b) forehead. Sgt. Iaquinto did not know how § 87(2)(b) sustained the injury but stated that it was "most likely" sustained as a result of his falling off of the landing.

While the officers were handcuffing § 87(2)(b) and § 87(2)(b) numerous uniformed officers arrived at the location in marked patrol cars. Sgt. Iaquinto did not know which officer requested additional units and was unable to identify the officers who responded. The officers were likely from the 47<sup>th</sup> and 49<sup>th</sup> Precincts, since the location was near the border of both precincts.

**Subject Officer: PO JUAN RODRIGUEZ**

*PO Rodriguez is a Hispanic male officer, standing five feet, ten inches tall, weighing two-hundred-sixty-five pounds, with black hair and brown eyes. He is a five-year veteran of the NYPD. On October 6, 2009, PO Rodriguez worked from 9:30 am to 6:05 pm on an anti-crime assignment, with PO Thomas Diggs. The officers were dressed in plainclothes and were assigned to an unmarked grey 2008 Jeep Grand Cherokee.*

**CCRB Testimony:**

PO Juan Rodriguez of the 47<sup>th</sup> Precinct was interviewed at the CCRB on July 14, 2010 (encl. 22a-22b). § 87(2)(g)

§ 87(2)(b) PO Rodriguez and PO Diggs were driving down § 87(2)(b) when they observed the officers from the 47<sup>th</sup> Precinct anti-crime team conducting a vehicle stop. PO Diggs and PO Rodriguez had exited their vehicle and were observing the vehicle stop as § 87(2)(b) asked PO Beddows, PO Roda, and Sgt. Iaquinto what they were doing. PO Rodriguez recalled that § 87(2)(b) said, "I'll fuck you all up." PO Rodriguez did not see anything to suggest that § 87(2)(b) was in possession of a weapon. § 87(2)(b) did not attempt to go back inside his residence prior to being arrested. When Sgt. Iaquinto and PO Beddows approached § 87(2)(b) PO Roda, PO Diggs, and PO Rodriguez were standing by the vehicle that had been stopped.

While the officers had been attempting to control § 87(2)(b) for approximately one to two minutes, § 87(2)(b) approached PO Beddows from behind and grabbed the handle of his firearm. PO Diggs and PO Rodriguez removed § 87(2)(b) from PO Beddows and handcuffed her after a brief period of § 87(2)(b) resisting the officers' efforts by flailing her arms about her head and sides. PO Rodriguez did not recall whether § 87(2)(b) head or body ever made contact with the ground. When both § 87(2)(b) and § 87(2)(b) had been placed in handcuffs, a marked patrol car from an unknown command arrived at the location to transport the prisoners to the 47<sup>th</sup> Precinct stationhouse. None of the uniformed officers who responded to the location assisted the anti-crime officers in arresting any individuals at the location. Following the incident, PO Rodriguez and PO Diggs resumed their patrol of the 47<sup>th</sup> Precinct.

**Subject Officer: PO THOMAS DIGGS**

*PO Diggs is a § 87(2)(b)-year-old African-American male officer, standing six feet, three inches tall, weighing two-hundred-forty pounds, with black hair and brown eyes. He is a five-year veteran of the NYPD. On October 6, 2009, PO Diggs worked from 10:00 am to 6:00 pm, on an anti-crime assignment within the confines of the 47<sup>th</sup> Precinct, with PO Rodriguez. PO Diggs was dressed in plainclothes and was assigned to an unmarked police vehicle.*

**CCRB Testimony:**

PO Thomas Diggs of the 47<sup>th</sup> Precinct was interviewed on August 19, 2010 (encl. 23a-23d). § 87(2)(g)  
§ 87(2)(b) When PO Diggs and PO Rodriguez first arrived at the location, § 87(2)(b) was resisting two or three officers' efforts to place him in handcuffs by flailing his arms around his body and yelling at them. § 87(2)(b) was also attempting to push the officers away from him. § 87(2)(b) sister, § 87(2)(b) was also attempting to interfere with the arrest by placing her body in between the officers and § 87(2)(b) and by attempting to pull the officers away from § 87(2)(b) PO Diggs held § 87(2)(b) away from the officers by grasping her shoulders with his hands while issuing repeated verbal commands for her to stop attempting to interfere with the arrest of § 87(2)(b) PO Diggs did not recall whether § 87(2)(b) head or body ever made contact with the ground.

**Witness Officer: PO ROBERT RODA**

*PO Roda is a § 87(2)(b)-year-old Caucasian male officer, standing five feet, seven inches tall, weighing one-hundred-eighty pounds, with brown hair and hazel eyes. He is a four-year veteran of the NYPD. On October 6, 2009, PO Roda worked from 9:30 am to 6:05 pm on an anti-crime assignment, with PO Beddows and Sgt. Iaquinto. The officers were dressed in plainclothes and were assigned to an unmarked police vehicle, of which PO Roda was the driver.*

**Memo Book:**

PO Roda's memo book noted that, at 1:00 pm, one individual was arrested by PO Beddows (encl. 20a-20c).

**CCRB Testimony:**

PO Robert Roda of the 47<sup>th</sup> Precinct was interviewed at the CCRB on June 4, 2010 (encl. 20a-20e). § 87(2)(g)  
§ 87(2)(b) While PO Beddows and Sgt. Iaquinto were attempting to restrain § 87(2)(b) arms, § 87(2)(b) exited § 87(2)(b)'s vehicle and ran toward the porch. § 87(2)(b) jumped on PO Beddows' back and attempted to pull his handgun out of its holster. PO Roda ran after § 87(2)(b) and pulled her off of PO



Beddows' back. As PO Roda pulled § 87(2)(b) away from PO Beddows while holding her arms from behind in a "bear hug," § 87(2)(b) repeatedly kicked PO Beddows in the back. PO Roda stated that PO Beddows and Sgt. Iaquinto were only interested in rear-handcuffing § 87(2)(b) on the steps and that they did not attempt to remove him from the steps at any point. At some point during the interaction, an officer had requested additional units over the radio, and two marked patrol cars arrived at the location when the officers and § 87(2)(b) fell down the steps. PO Roda stated that PO Beddows and Sgt. Iaquinto were immediately successful in handcuffing § 87(2)(b) when he fell onto the driveway. No other officers assisted PO Beddows and Sgt. Iaquinto in handcuffing § 87(2)(b). PO Roda stated that PO Beddows and Sgt. Iaquinto were the only two officers to make physical contact with § 87(2)(b) while he was being arrested.

**Witness Officer: PO MARIBEL FUERTES**

*PO Fuertes is a § 87(2)(b)-year-old Hispanic female officer, standing five feet, five inches tall, weighing one-hundred-thirty-five pounds, with brown hair and brown eyes. She is a five-year veteran of the NYPD. On October 6, 2009, PO Fuertes worked from 8:00 am to 4:35 pm and was assigned to the 47<sup>th</sup> Precinct SNEU team, with PO Dennis O'Sullivan, PO Hugh Stanton, and possibly other officers from the 47<sup>th</sup> Precinct. PO Fuertes stated that, for the first half of her tour, she was assigned to the 47<sup>th</sup> Precinct stationhouse in preparation for the execution of a search warrant. PO Fuertes was dressed in plainclothes and was assigned to an unmarked van, number § 87(2)(b).*

**Memo Book:**

PO Fuertes' memo book noted that, at 12:26 pm on the date of the incident, one individual was arrested at § 87(2)(b) in the Bronx (encl. 18a-18c).

**CCRB Testimony:**

PO Maribel Fuertes was interviewed at the CCRB on January 21, 2010 (encl. 18a-18i). PO Fuertes stated that she was not present in the vicinity of § 87(2)(b) in the Bronx at any point on the date of the incident, although she was the officer who processed the arrest of § 87(2)(b) at the stationhouse.

**Witness Officer: PO VICTOR CRUZ**

*PO Cruz is a § 87(2)(b)-year-old Hispanic male officer, standing five feet, seven inches tall, weighing two-hundred-fifteen pounds, with brown hair and brown eyes. He is a fifteen-year veteran of the NYPD. On October 6, 2009, PO Cruz worked from 7:05 am to 3:40 pm and was assigned to sector patrol within the confines of sectors A, C, and D in the 47<sup>th</sup> Precinct. PO Cruz worked with PO Karam Jubran; both officers were dressed in uniform and were assigned to a marked patrol car.*

**CCRB Testimony:**

PO Cruz was interviewed at the CCRB on October 14, 2010 (encl. 24a-24b). § 87(2)(g)

§ 87(2)(b) PO Cruz and PO Jubran were patrolling their assigned sectors when, over the radio, they heard a call from the 47<sup>th</sup> Precinct anti-crime team requesting additional units at a location, identified by the investigation as § 87(2)(b) in the Bronx. No reason for the request was given at the time. PO Cruz and PO Jubran arrived at the location at approximately the same time as several additional marked vehicles from unknown commands, where PO Cruz observed several officers from the anti-crime team standing next to an individual they had placed in handcuffs. PO Cruz did not recall whether his was the

first marked police vehicle at the location. Since the officers from the anti-crime team appeared to have the situation under control, PO Cruz and PO Jubran drove away from the location to resume their patrol. PO Cruz specified that he did not observe any officers attempting to arrest anybody, so he did not think his assistance was required. PO Cruz did not recall if either officer exited the vehicle at the location, although he stated that he probably exited the vehicle briefly. Shortly after PO Cruz and PO Jubran left the location, the anti-crime sergeant, identified by the investigation as Sgt. Thomas Iaquinto, summoned the vehicle back to the location by RMP number over the radio.

When PO Cruz and PO Jubran arrived back at the location, Sgt. Iaquinto led a male individual who had been arrested to the patrol car and said to the officers, “Take him back to the stationhouse.” The prisoner was placed in the rear of the patrol car before PO Cruz and PO Jubran drove back to the 47<sup>th</sup> Precinct stationhouse, led him inside, and obtained his pedigree information at the front desk.

**Witness Officer: PO KARAM JUBRAN**

*PO Jubran is a § 87(2)(b)-year-old Arabic male officer, standing five feet, nine inches tall, weighing two-hundred-twenty-five pounds, with black hair and brown eyes. He is an eight-year veteran of the NYPD. On October 6, 2009, PO Jubran worked from 7:05 am to 3:40 pm, patrolling within the confines of sectors A, C, and D in the 47<sup>th</sup> Precinct. PO Jubran worked with PO Victor Cruz; both officers were dressed in uniform and were assigned to marked patrol car 1819.*

**Memo Book:**

PO Jubran’s memo book noted that, at 12:26 pm, he transported one male prisoner to the 47<sup>th</sup> Precinct stationhouse (encl. 25a-25c).

**CCRB Testimony:**

PO Jubran was interviewed at the CCRB on October 14, 2010 (encl. 25a-25e). § 87(2)(g)

PO Jubran did not recall if any other uniformed officers were present at the location when he and PO Cruz arrived. PO Jubran did not recall whether his was the first patrol car present but noted that several marked and unmarked police vehicles from unknown commands responded to the location.

**Medical Records**

- The ambulance call report prepared in connection with the transportation of § 87(2)(b) from the 47<sup>th</sup> Precinct stationhouse to § 87(2)(b) confirmed that he had swelling to his left eye and right wrist when examined by EMS. § 87(2)(b) chief complaint was, “I got into a fight with police.” He denied any loss of consciousness (encl. 26a-26c).
- The medical records prepared in connection with the medical treatment administered to § 87(2)(b) at § 87(2)(b) confirmed that he was diagnosed with a laceration and swelling to his left eyelid, as well as pain and swelling to the right wrist. He was administered an injection of Tetanus and Diphtheria Toxoids (encl. 27a-27e).

**NYPD Document(s)**

- SPRINT job number T06245 confirmed that three individuals were arrested at § 87(2)(b) at 12:26 pm on the date of the incident by the 47<sup>th</sup> Precinct anti-crime sergeant. The SPRINT notes that an officer from a 47<sup>th</sup> Precinct foot post and officers from

sector A of the 47<sup>th</sup> Precinct, as well as the 47<sup>th</sup> Precinct anti-crime team, responded to the location. The vehicle patrolling sector A transported one prisoner to the 47<sup>th</sup> Precinct stationhouse (encl. 28a-28b).

- The 47<sup>th</sup> Precinct roll call for tour two on the date of the incident confirmed that Sgt. Iaquinto worked from 9:26 am to 6:10 pm as the anti-crime sergeant; that PO Cruz and PO Jubran worked from 7:05 am to 3:40 pm on sector patrol within the confines of sectors A, C, and D in marked vehicle 1819; and that PO Beddows and PO Roda worked from 9:30 am to 6:05 pm on the 47<sup>th</sup> Precinct anti-crime team (encl. 29a-29e).
- The 47<sup>th</sup> Precinct command log confirmed that the arrests of § 87(2)(b) and § 87(2)(b) were recorded at the stationhouse at 12:45 pm on the date of the incident. It was noted that § 87(2)(b) sustained an injury to the left side of his head and noted that he was transported to § 87(2)(b) at 1:45 pm (encl. 30a-30b).
- The arrest photograph taken in connection with the arrest of § 87(2)(b) depicts a small bandage on § 87(2)(b) left eyelid, which appears to be slightly swollen (encl. 32a).

### **NYPD Communications**

On October 6, 2010, an unidentified officer from an unknown command called the central dispatcher over the radio to request an additional unit at § 87(2)(b) in the Bronx. In the initial call, a female can be heard screaming in the background, although her words are inaudible. The dispatcher requested that a unit from the 47<sup>th</sup> Precinct respond to the location and an officer assigned to sector A within the confines of the 47<sup>th</sup> Precinct stated that he would respond. Immediately after the officer from sector A responded to the call, the officer who initially placed the call informed the dispatcher that three individuals had been arrested at the location and that additional units were no longer needed. An anti-crime Sergeant from the 47<sup>th</sup> Precinct called the dispatcher and stated that the time of the arrests was 12:25 pm (encl. 37a).

### **Arrest for Incident and Disposition**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Status of Civil Proceedings**

- § 87(2)(b) and § 87(2)(b) each filed a Notice of Claim with the City of New York on § 87(2)(b), claiming pain and suffering, fear, invasion of privacy, psychological pain, emotional distress, mental anguish, embarrassment, and humiliation, and seeking an unspecified amount of damages with regard to the incident (encl. 12a-12e; 16a-16e).

### **Civilian(s) Criminal History**

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **Civilian(s) CCRB History**

- This is the first CCRB complaint filed by § 87(2)(b) or § 87(2)(b) (encl. 6a-7a).

### **Subject Officer(s) CCRB History**

- Sgt. Iaquinto has been a member of the service for ten years and there are no substantiated CCRB allegations against him (encl. 1a-1b).

- PO Beddows has been a member of the service for ten years and there are no substantiated CCRB allegations against him (encl. 2a-2b).
- PO Roda has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 3a).
- PO Diggs has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 4a).
- PO Rodriguez has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 5a).

### **Conclusion**

#### **Identification of Subject Officer(s)**

- Sgt. Iaquinto confirmed that he spoke with § 87(2)(b) prior to § 87(2)(b) exiting his residence and his role in the conversation was confirmed by PO Beddows and PO Roda. Sgt. Iaquinto also confirmed that he was the officer who initially attempted to place § 87(2)(b) under arrest with PO Beddows, during which time he may have punched § 87(2)(b). Since several parties interviewed recalled that an officer punched § 87(2)(b) in the back, the allegation is pled against Sgt. Iaquinto.
- PO Beddows confirmed that he and Sgt. Iaquinto were the two officers who spoke to § 87(2)(b) prior to § 87(2)(b) exiting his residence. PO Beddows confirmed that he was the first officer to make physical contact with § 87(2)(b) while attempting to arrest him and his role in the arrest was confirmed by Sgt. Iaquinto, PO Roda, and PO Diggs.
- PO Diggs, PO Rodriguez, and PO Roda confirmed that they all approached Sgt. Iaquinto, PO Beddows, and § 87(2)(b) during the attempted arrest of § 87(2)(b) and were in the vicinity of § 87(2)(b) while he was lying on the ground. § 87(2)(g)  
§ 87(2)(b)  
§ 87(2)(b)  
§ 87(2)(b)
- § 87(2)(b) and § 87(2)(b) alleged that several uniformed officers participated in kicking and punching § 87(2)(b) while he was on the ground. This allegation was disputed by Sgt. Iaquinto and PO Beddows, who stated that no uniformed officers arrived at the location until after § 87(2)(b) had been placed in handcuffs. The officers assigned to sector A within the confines of the 47<sup>th</sup> Precinct, PO Cruz and PO Jubran, who were identified by the SPRINT as operating the first police vehicle to respond to the location, confirmed that they did not arrive at the location until after § 87(2)(b) had been placed in handcuffs. Furthermore, § 87(2)(b) was unable to provide a physical description of the officers who participated in kicking and punching him while he was on the ground and did not identify them as uniformed officers.

#### **Allegations Not Pled**

- § 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)
- § 87(2)(g)  
§ 87(2)(g)  
§ 87(2)(g)

- § 87(2)(g) [REDACTED]
- § 87(2)(g) [REDACTED]
- § 87(2)(g) [REDACTED]
- § 87(2)(g) [REDACTED]

### Investigative Findings and Recommendations

- **Allegation A – Discourtesy: Sgt. Thomas Iaquinto spoke obscenely and/or rudely to** § 87(2)(b) [REDACTED]
- **Allegation B – Discourtesy: PO Daniel Beddows spoke obscenely and/or rudely to** § 87(2)(b) [REDACTED]
- **Allegation E – Force: Sgt. Thomas Iaquinto used physical force against** § 87(2)(b) [REDACTED]
- **Allegation F – Force: PO Daniel Beddows used physical force against** § 87(2)(b) [REDACTED]
- **Allegation G – Force: PO Thomas Diggs used physical force against** § 87(2)(b) [REDACTED]
- **Allegation H – Force: PO Juan Rodriguez used physical force against** § 87(2)(b) [REDACTED]
- **Allegation I – Force: PO Robert Roda used physical force against** § 87(2)(b) [REDACTED]

All officers interviewed disputed the allegations that Sgt. Iaquinto and PO Beddows used profanity toward § 87(2)(b) [REDACTED] prior to arresting him. § 87(2)(g) [REDACTED]

§ 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] recalled that Sgt. Iaquinto called § 87(2)(b) [REDACTED] a “pussy.”

§ 87(2)(g) [REDACTED]

While several civilian witnesses did not recall that an officer punched § 87(2)(b) [REDACTED] in the back, Sgt. Iaquinto stated that he “most likely” struck § 87(2)(b) [REDACTED] in the body in an attempt to gain his compliance. § 87(2)(g) [REDACTED]

All officers interviewed denied that any officers kicked or punched § 87(2)(b) [REDACTED] while he was lying on the ground. § 87(2)(g) [REDACTED]

- **Allegation C – Force: PO Daniel Beddows used a chokehold against** § 87(2)(b)
- **Allegation D – Force: Sgt. Thomas Iaquinto struck** § 87(2)(b) **with a radio.**

All officers interviewed disputed § 87(2)(b) allegation that Sgt. Iaquinto struck § 87(2)(b) in the head with a radio, causing him to fall to the ground and lose consciousness. Although § 87(2)(b) repeated that § 87(2)(b) informed him that he had been struck in the head with a radio, he did not observe the action. § 87(2)(g)

- **Allegation J – Force: Officers used physical force against § 87(2)(b)**

Team:   1  

Investigator:	_____	<u>Jonathan Hutchinson</u>	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date